

ASSEMBLY BILL

No. 9

**Introduced by Assembly Member John A. Perez
(Coauthor: Assembly Member Beall)**

December 1, 2008

An act to add Section 82025.5 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 9, as introduced, John A. Perez. Political Reform Act of 1974: expenditures.

Under the Political Reform Act of 1974, an “expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a 3rd party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. Under the act, a candidate or committee that makes an independent expenditure totaling \$1,000 or more in a calendar year to support or oppose a measure or qualification of a measure shall file a report of that disclosure with the Fair Political Practices Commission.

This bill clarifies existing law that an expenditure includes the payment of public moneys by a state agency or local government agency, or by an agent of that agency, for a communication to the electorate within the jurisdiction of that agency regarding a clearly identified measure, except if the communication constitutes a fair and impartial presentation of the facts relating to the measure or the communication is otherwise required by law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82025.5 is added to the Government
2 Code, to read:
3 82025.5. (a) Except as described in subdivision (b),
4 “expenditure” includes the payment of public moneys by a state
5 agency or local government agency, or by an agent of that agency,
6 for a communication to the electorate within the jurisdiction of
7 that agency regarding a clearly identified measure.
8 (b) “Expenditure” does not include either of the following:
9 (1) A communication where the information in the
10 communication constitutes a fair and impartial presentation of
11 relevant facts relating to the measure.
12 (2) A communication otherwise required by law.
13 (c) For purposes of this section, a communication clearly
14 identifies a measure if it satisfies subparagraph (C) or (D) of
15 paragraph (1) of subdivision (b) of Section 18225 of Title 2 of the
16 California Code of Regulations.

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